

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11

-----X Case No. 12-13809-smb
In re

IMPERIAL CAPITAL LLC,

Debtor.
-----X

ORDER DISMISSING CASE

Upon the application of CADLEROCK JOINT VENTURE, L.P. ("CJV"), a creditor herein, dated September 19, 2012, and sufficient cause appearing, and a hearing having been held on November 14, 2012, and no opposition having been interposed thereto, it is hereby

ORDERED, that the above-captioned case is hereby dismissed; and it is further

ORDERED, in the event that any party claiming to hold an interest in the real property located at 721 Fifth Avenue, Unit 45K, New York, New York ("Property"), be it legal, equitable, beneficial or possessory, files a subsequent petition for relief under the Bankruptcy Code, or becomes the debtor in an involuntary case under the Bankruptcy Code, within a period of twelve months from the date of this order, such filing will not operate as an automatic stay to prevent CJV, its successors, agents or assigns from exercising their rights with respect to the Property as if no bankruptcy petition had been filed, without prejudice to the right of the debtor or any other party in interest to seek injunctive relief upon appropriate notice and hearing.

Dated: New York, New York
November 16, 2012

/s/ Stuart M. Bernstein
STUART M. BERNSTEIN
United States Bankruptcy Judge